



Opportunities and Challenges

— Regarding Copyright Vantage and Protection of “Broadcasting” in All-Media

Yan, Bo
April 2017

The complex of the concept of COPYRIGHT



What is copyright?

- Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings. --- WIPO
- “Copyright is a set of exclusive rights of literary, artistic, scientific works, owned by the authors and other rights holders who are legally entitled to their works.”--- Mr. Zheng Chengsi
- Authors and other rights holders are given by law a set of exclusive rights of their original works, for the purpose of the creativity and prosperity in cultural, artistic and scientific areas.

Broadcasters' IP needs to be protected as every creative work contributes to the society!

The Complex of COPYRIGHT

- Copyright as regulation
- Copyright as property
- Copyright as core business
- Copyright as exchange platform
- Copyright as industry
- Copyright as protection

Copyright Industry

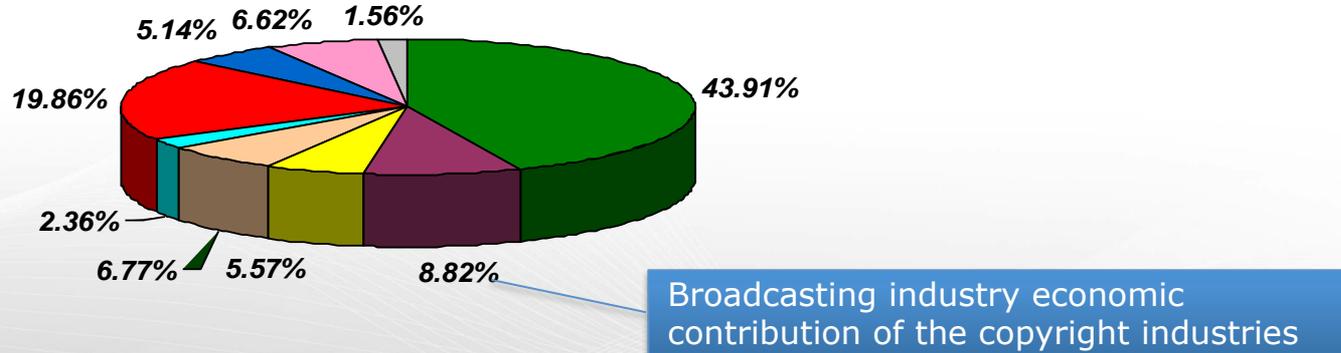
- **Four “C”:**
 - U.S.: Copyright Industry
 - U.K.: Creative Industry
 - Japan: Content Industry
 - China: Cultural Industry
 - — copyright: the core asset of industry
- Cultural industry is a part of the intellectual economy, and to promote the prosperity and development of cultural industry, knowledge must be respected and creativity must be encouraged.
- Rampant piracy prevents knowledge creators from being properly returned, which will severely hinder the development of the industry in the long run.

Broadcasting as the core copyright industry

- According to WIPO's classification, the copyright industry is divided into four industry groups: core copyright industries, interdependent copyright industries, partial copyright industries and non-dedicated support industries.
- Core copyright industry means industries completely engaged in the creating, producing, manufacturing, performing, broadcasting, disseminating, exhibiting, sale and distribution of works and other protected subject matters. Radio, television and film industry are the core copyright industries.

Copyright –

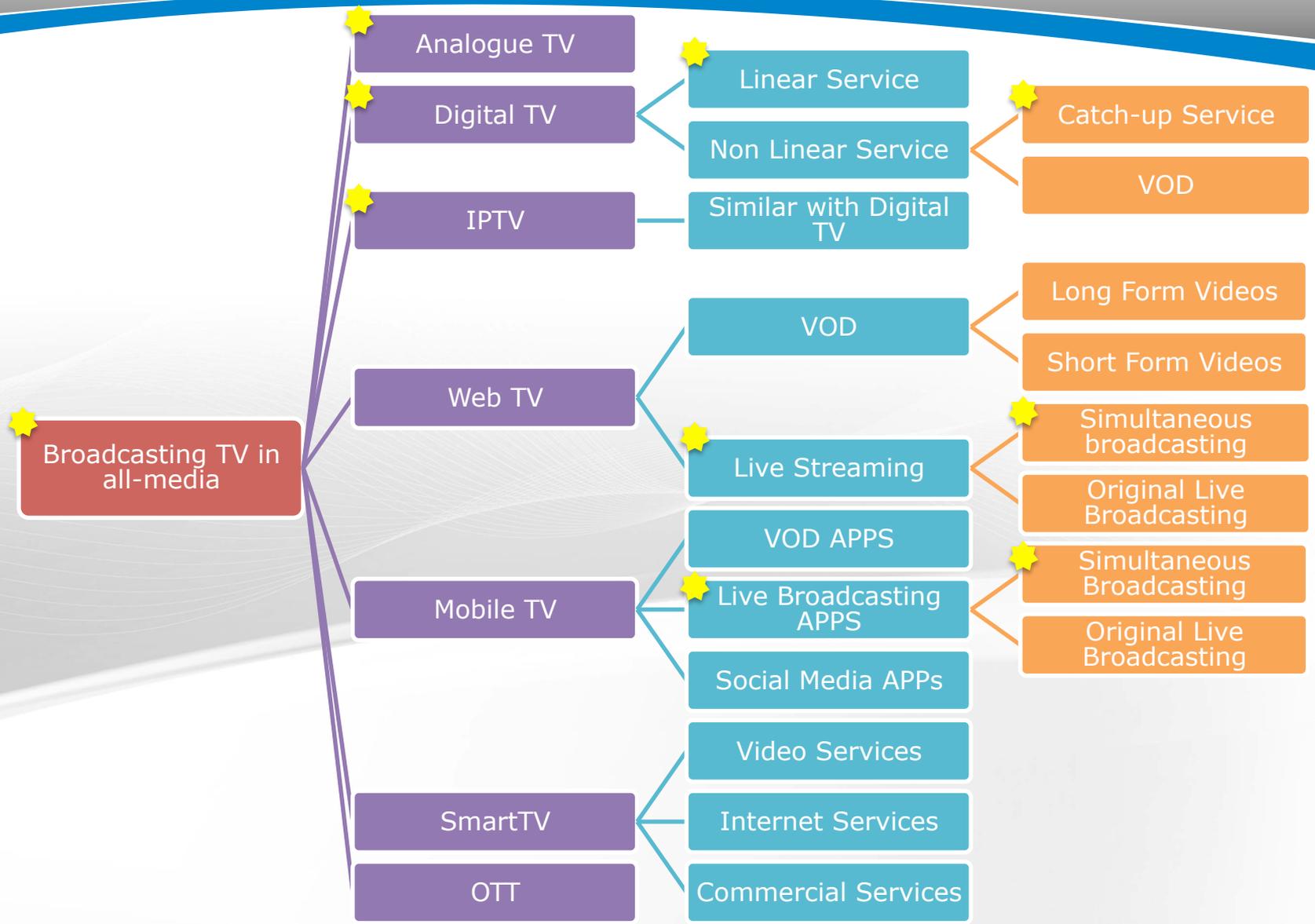
The core value of broadcasting industry



- Copyright industry is a part of the intellectual economy, where knowledge and creativity must be returned.
- Rampant piracy severely hinder the development of the industry in the long run.
- Be careful, new media users want extensive and free content, but do not care what platform they are on, and who pays the bill.

The opportunities of “broadcasting” IN ALL MEDIA





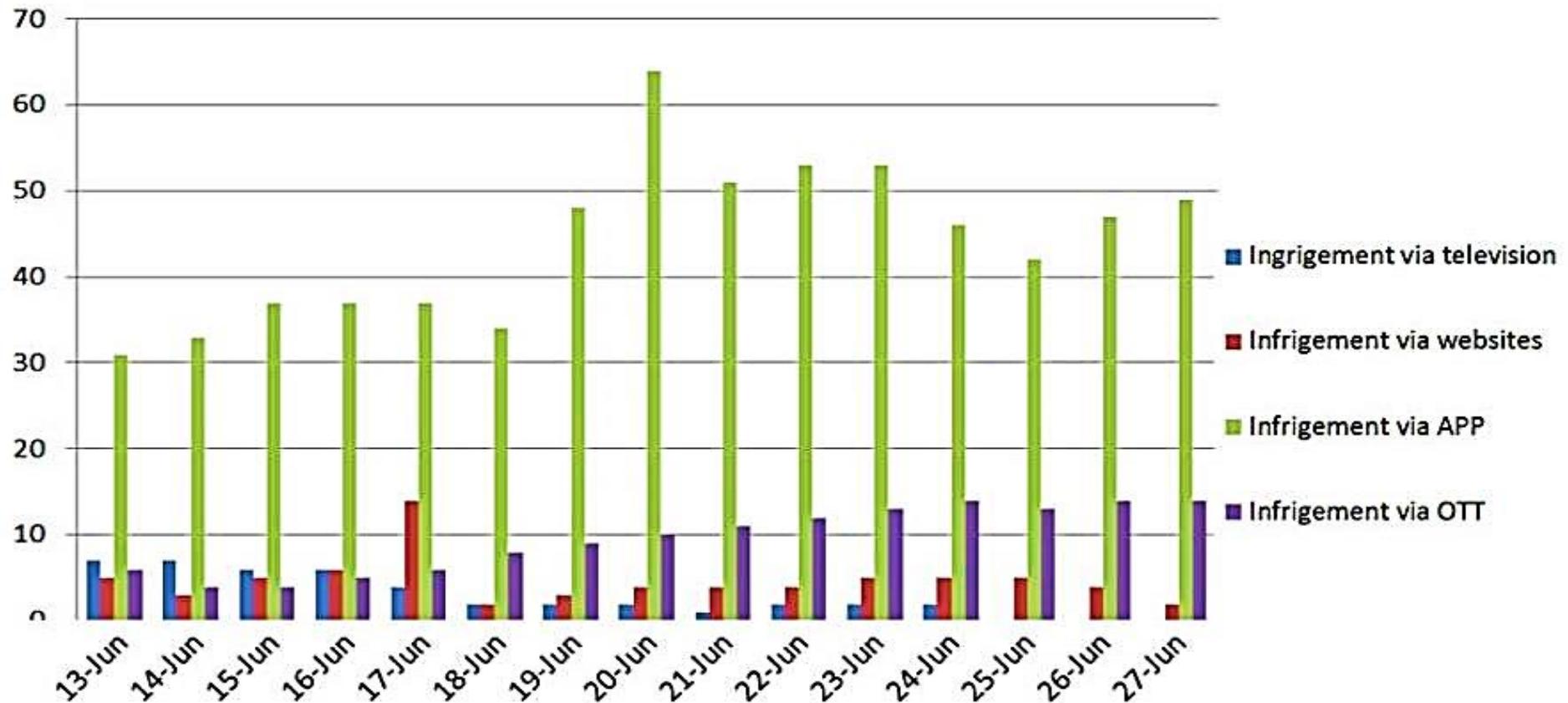
Copyright: the “lifeline” of broadcasting industry

- The creation, protection, operation and management of copyright exists throughout the broadcast industry chain. Qualified copyright works can bring about stable and long-term revenue.
- Broadcasting organizations should regard “copyright” as its core assets and lifeline.
- Asia-Pacific Broadcasting Union members must work together and jointly safeguard the copyright of their own countries and achieve the balance of the interests in the legislation of International treaties, and strive to make " Treaty on the Protection of Broadcasting

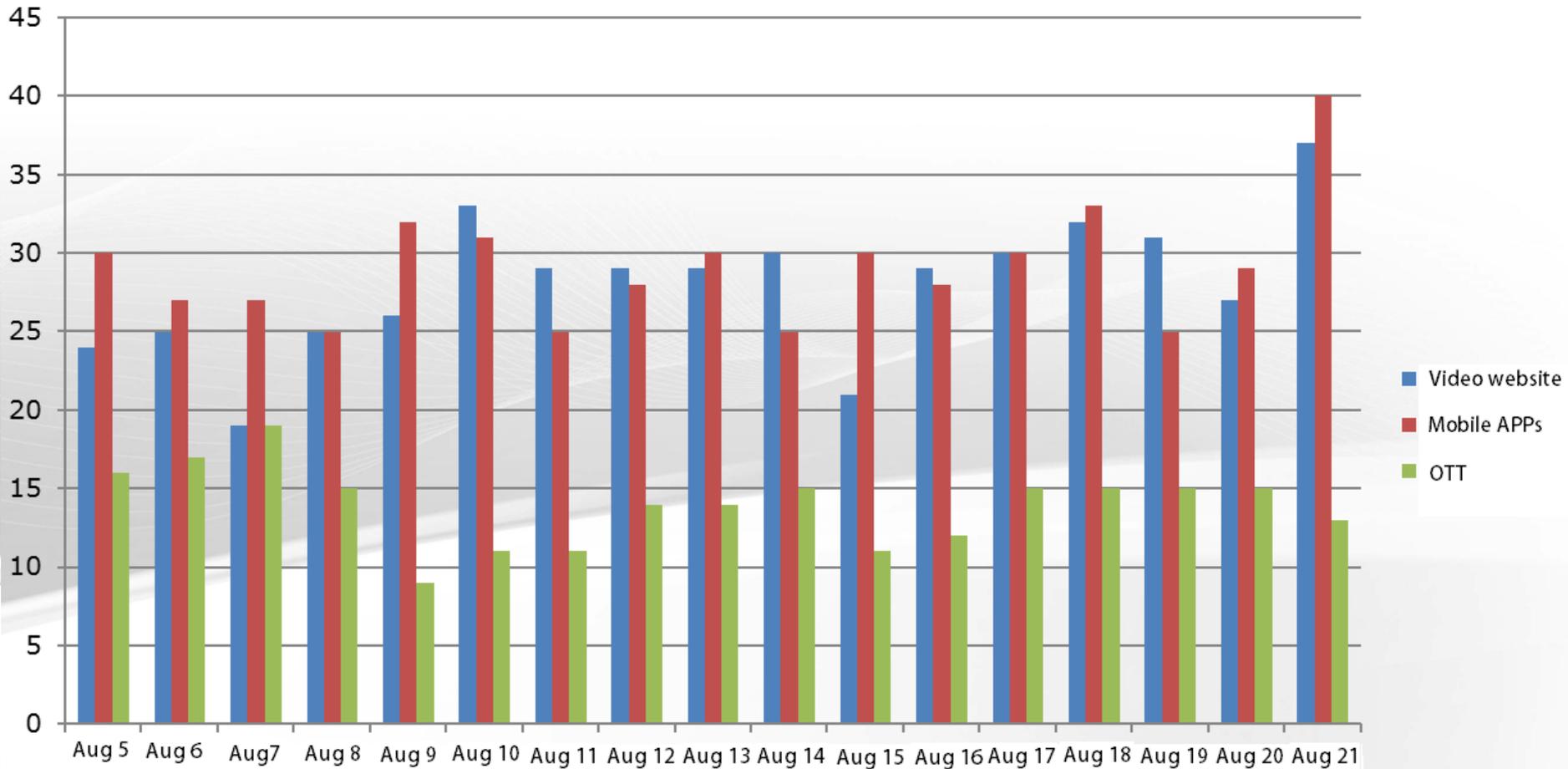
The challenges of broadcasting industry IN ALL MEDIA



Infringement statistics of CCTV Sports CH during 2014 FIFA World Cup

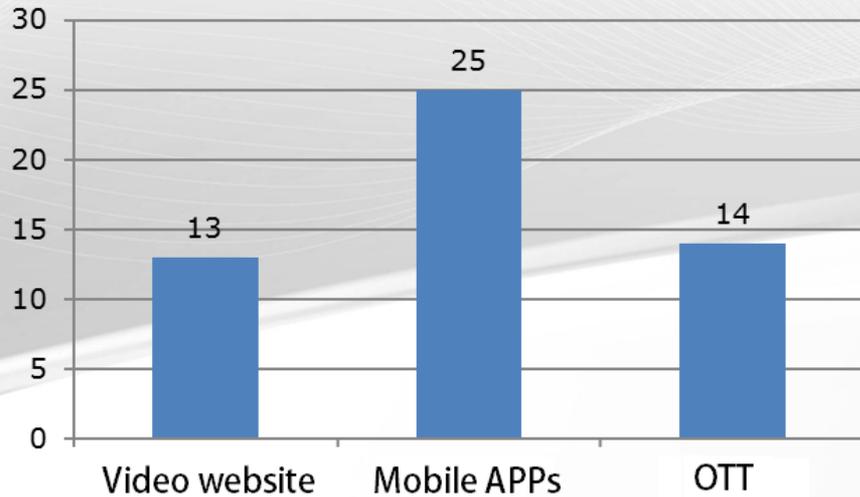


Infringement statistics of CCTV Sports CH during Rio 2016 Olympic Games

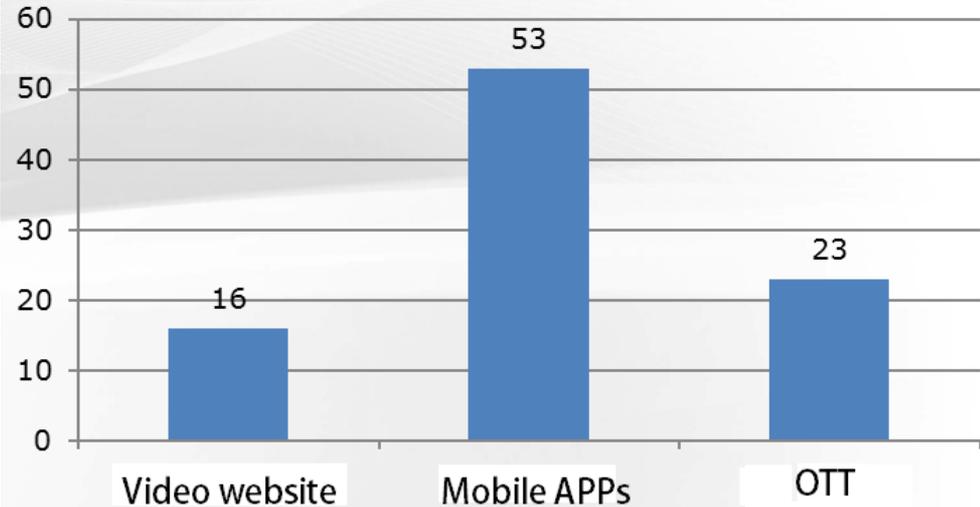


Infringement statistics of CCTV Channels during New Year holiday of 2017

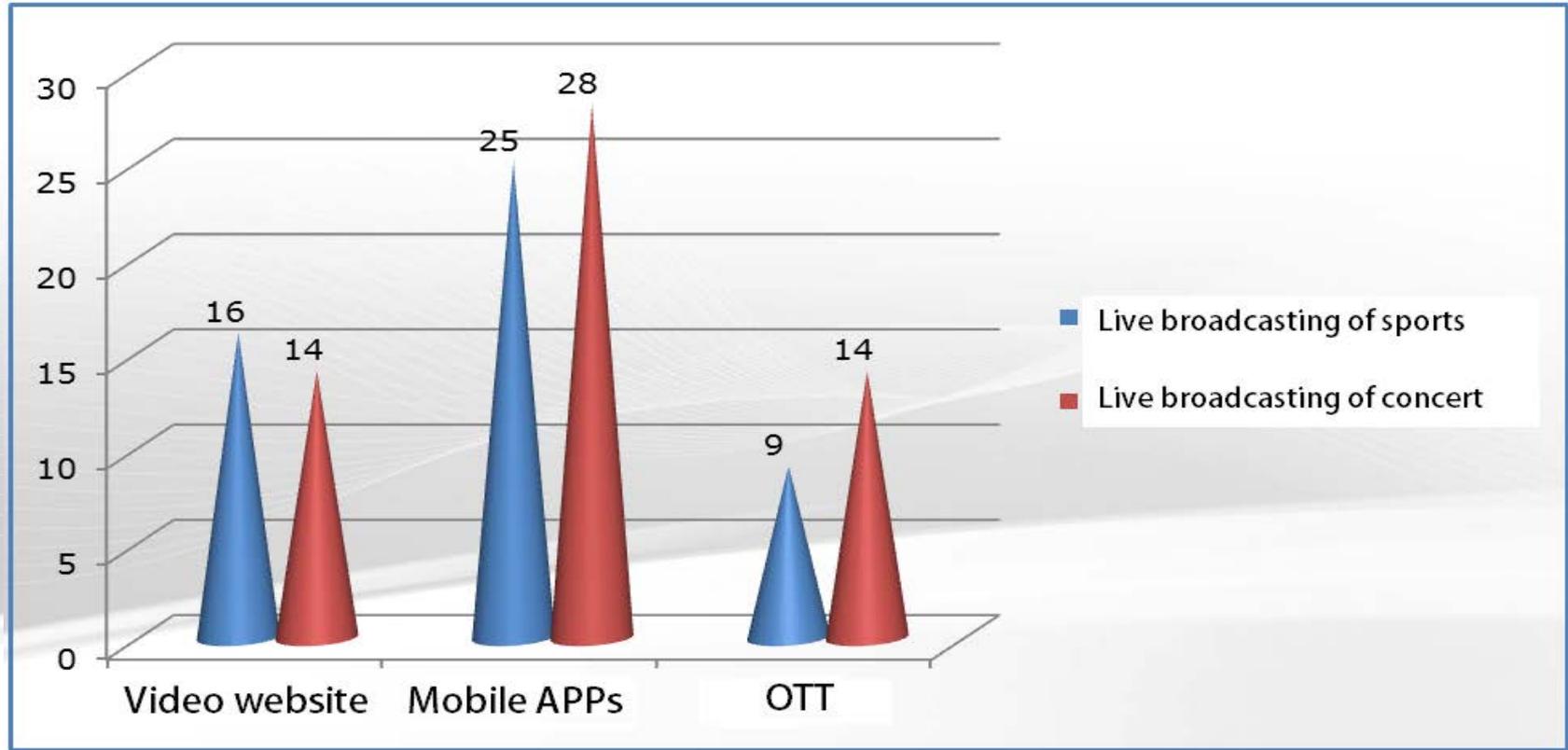
Infringement of CCTV Channels (Organisations)



Infringement of CCTV Channels (Links)



Infringement statistics of CCTV Channels during New Year holiday of 2017



Infringement statistics of CCTV Channels during New Year holiday of 2017 (organisations)

案例报道：broadcasting vs. live streaming

Home
Live streaming apps like Meerkat and Periscope pose legal risks for users

Zach Meier
HBO News
Live video many more up to legal
Meerkat captured the fly, the Meerkat in Austin around a
Some of would w
city street
business from eve
broadca
inevitabl
"The im
media a

The Hollywood Reporter
By Natalie Jarvey
April 14, 2015 5:32 PM



HBO has sent take-down notices to Periscope after users of the Twitter-owned live-streaming app were using it to broadcast the fifth-season premiere of Game of Thrones on Sunday night.

"We are aware of Periscope and have sent take-down notices," an HBO spokeswoman said in a statement. "In general, we feel developers should have tools which proactively prevent mass copyright infringement from occurring on their apps

streaming apps pose legal risks for
Meerkat and Periscope can lead users astray of privacy and copyright la

Periscope's piracy problems: HBO issues takedown notices after Twitter's app used to broadcast Game of Thrones

- Periscope app allows anyone to stream live video to a wide audience
- HBO discovered users were filming their TV to broadcast show

By MARK PRIGG FOR DAILYMAIL.COM
PUBLISHED: 21:16 GMT, 17 April 2015 | UPDATED: 22:21 GMT, 17 April 2015

Share 50 shares 15 View comments

Twitter has come under fire from HBO after users of its Periscope livestreaming app used the service to broadcast the hit show Game of Thrones illegally.
HBO has sent takedown notices to Periscope after users of the Twitter-owned live-streaming app were using it to broadcast the fifth-season premiere of Game of Thrones on Sunday night.
It comes amid fears the service could become widely used to watch TV and movies illegally in any country.



Periscope users were broadcasting the Game of Thrones premiere on April 12 to their network of friends.

"We are aware of Periscope and have sent takedown notices," an HBO spokeswoman said in a statement.
"In general, we feel developers should have

WHAT IS PERISCOPE?
Periscope allows people to live-stream video from their phones to their Twitter followers with the click of a button.

DEVELOPING Supermarkets Face Super-Complaint On Pricing Sky News - 8 minutes ago

Move to stop Game Of Thrones stream

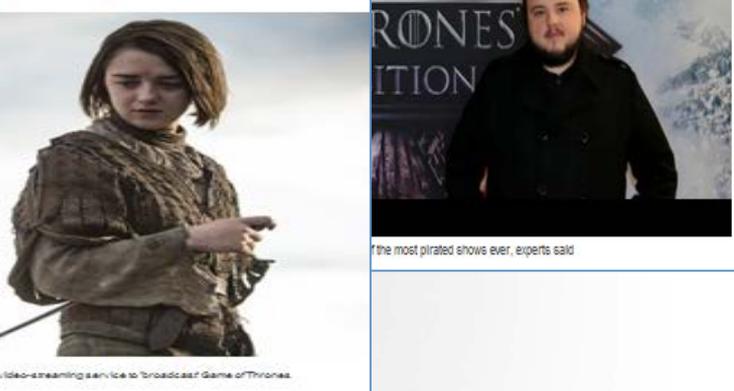
PRESS ASSOCIATION Press Association - Thu, Apr 16, 2015

Share 2 Tweet Share +1 Print

Set For Baby Number Two Sky News - 1 hour 22 minutes ago

Fans Use Its Periscope App to watch Game of Thrones Free

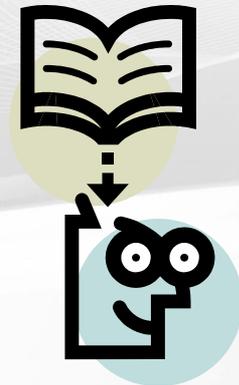
Share +1 Print



Periscope video-streaming service to 'broadcast' Game of Thrones

the most pirated shows ever, experts said

The protection of “broadcasting” IN ALL MEDIA



Copyright Act

the balance of industrial interests

Interests of
Broadcasting

Illegal and
unfair
competition

Copyright Revenue

Advertisement

Subscription

Inordinate APP, OTT...

Unauthorized online
retransmission

Infringing encryption

Rampant piracy

LAW & REGULATIONS

BROADCASTER'S TREATY is a must

Broadcaster's Treaty

The IP framework is falling behind and must adapt to digital environment and copyright law has started to act as a regulatory barrier to the creation of certain kinds of new, illegal, internet based businesses

It is important to update copyright law to accommodate technological change and encourage lawful innovation and balance the rights of copyright owners and users

Technology is moving faster than society's ability to regulate, there is need for development of the global legal framework and institutional collaboration and simplicity and neutrality of technology.

Objectives of BROADCASTER'S TREATY

Broadcaster's Treaty

Provide a stable legal framework for the broadcasting organisations internationally

Grant exclusive rights to broadcasters in an effective manner

Curb online piracy

Objectives of BROADCASTER'S TREATY

Broadcaster's Treaty

Its focus is on the anti piracy function and protection against signal theft

Signal based approach does not preclude granting of exclusive rights to the broadcasting organisations

Broadcast signal must be protected from the moment it is created through to its primary use of broadcast and against unlawful secondary exploitation

Treaty would protect the signal and would not impinge on the rights of authors, performers or producers

ROADMAP: Progress and Prospective



SCCR/34/3

(the newest Consolidated Text for SCCR34)



E

SCCR/34/3
ORIGINAL: ENGLISH
DATE: MARCH 2, 2017

WORKING DRAFT

Standing Committee on Copyright and Related Rights

**Thirty-fourth Session
Geneva, May 1 to 5, 2017**

REVISED CONSOLIDATED TEXT ON DEFINITIONS, OBJECT OF
PROTECTION, RIGHTS TO BE GRANTED AND OTHER ISSUES

prepared by the Chair

The protection of “deferred transmission”

- **I. DEFINITIONS**

- (g) “deferred transmission” means a **transmission delayed in time**, other than a near simultaneous transmission, including transmissions made in such a way that members of the public **may access them from a place and a time individually chosen by them.**

- **II. OBJECT OF PROTECTION**

- (2) (i) Broadcasting [/cablecasting] organizations shall also enjoy protection for a simultaneous, near simultaneous **[or deferred]** transmission by any means **[including for a transmission made in such a way that members of the public may access it from a place and at the time individually chosen by them.]**

The protection of “deferred transmission”

- **III. RIGHTS TO BE GRANTED**

- (1) (i) Broadcasting [and cablecasting] organizations shall have the exclusive right of authorizing the retransmission of their programme-carrying signal to the public **by any means**.
- (ii) Broadcasting [and cablecasting] organizations shall also enjoy the exclusive right of authorizing the retransmission of their programme-carrying signal in such a way that the members of the public **may access it from a place and at a time individually chosen by them**.

